

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:
City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846
Judge Thomas J. Tucker
Chapter 9

***EX PARTE MOTION OF THE CITY OF DETROIT
FOR ENTRY OF AN ORDER AUTHORIZING FILING
OF A SHORT SUPPLEMENT***

The City of Detroit (“City”), by its undersigned counsel, Miller, Canfield, Paddock and Stone, P.L.C., files this *ex parte* motion for entry of an order authorizing the City to file a four-page supplement, plus exhibits, in connection with its *City of Detroit’s Motion to Enforce Plan of Adjustment and Require 30-Year Amortization of the UAAL in the Police and Fire Retirement System Pension Plan* [Doc. No. 13602] (“Motion”), and states as follows:

1. On August 3, 2022, the City filed its Motion. As set forth in the brief attached as Exhibit 3 to the Motion, the order confirming the plan of adjustment [Doc. No. 8272] (“Confirmation Order”) cited to four versions of the City’s 40-year forecast to support its finding of feasibility. Motion, Exhibit 3, Brief, p. 18 of 49. Each of these 40-year forecasts cited by the Court in the Confirmation Order specifically provides for a 30-year amortization of the City of Detroit Police and Fire Retirement System’ (PFRS) unfunded actuarial accrued liability (UAAL) for retirement benefits. Confirmation Order, p. 41 of 225, ¶ 11. The filing of the Motion

was, of course, necessitated by the unilateral decision of the PFRS to change the 30-year amortization to a 20-year amortization.

2. As the Court and the parties prepare for the February 8 hearing¹ on the Motion, the City notes that the Fourth Amended Disclosure Statement with respect to Fourth Amended Plan for the Adjustment of Debts of the City of Detroit [Doc. No. 4391] (“Disclosure Statement”) that was approved by this Court at docket number 4401, served on all parties entitled to notice,² and used to solicit votes on the plan of adjustment also contained a 40-year forecast that provided for a 30-year amortization. *See Disclosure Statement, Exhibit K, Doc. No. 4391-2, pp. 171-180 of 212* (the 40-year amortization is specified on p. 173 of 212). This Disclosure Statement is what the holders of claims received, reviewed, and relied on in casting their votes.

¹ On January 6, 2023, this Court issued notice that a hearing on the Motion (“Hearing”) will be held on February 8, 2023. (Doc. No. 13674.)

² *Certificate of Service*, Doc. No. 6177, ¶¶ 9(a) and 10(a) (describing solicitation packages as including copies of the Disclosure Statement, Plan, and “all exhibits thereto that had been filed in the chapter 9 case prior to the date of mailing”), 12-41 (describing service) and *Certificate of Service*, Doc. No. 6174; *Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit*, Doc. No. 8272, ¶ H(15)(b) (finding that copies of the “Solicitation Package,” which included the Disclosure Statement, was transmitted to all parties entitled to receive notice) and H(15)(l) (finding that “All persons entitled to receive notice of the Disclosure Statement . . . received proper, timely and adequate notice in accordance with the Solicitation Orders . . .”).

3. As the City will be referencing Exhibit K and relevant portions of the Disclosure Statement at the hearing, including the version of the State Contribution Agreement that was filed with the Disclosure Statement compared to the version that was filed with the confirmed Plan,³ the City believes that it would aid all parties for it to file a short supplement that identifies and attaches the relevant pages from these projections, the Disclosure Statement and the Plan in advance of the Hearing.

WHEREFORE the City respectfully requests that the Court enter an order, substantially in the form attached as **Exhibit 1**, granting the City leave to file this supplement.

³ *Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014)* (Doc. No. 8045).

Dated: February 3, 2023

Respectfully submitted,

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-8451
swansonm@millercanfield.com

and

By: /s/ Charles N. Raimi

Charles N. Raimi (P29746)
Deputy Corporation Counsel
City of Detroit Law Department
2 Woodward Avenue, Suite 500
Coleman A. Young Municipal Center
Detroit, Michigan 48226
Telephone: (313)-237-5037
raimic@detroitmi.gov

ATTORNEYS FOR THE CITY OF DETROIT

SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with E.D. Mich. LBR 9014-1(c).

Exhibit 1 Proposed Form of Order

Exhibit 2 None [Motion Seeks Ex Parte Relief]

Exhibit 3 None [Brief Not Required]

Exhibit 4 Certificate of Service

Exhibit 5 None

Exhibit 6 None

EXHIBIT 1 – PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: City of Detroit, Michigan, Debtor.	Bankruptcy Case No. 13-53846 Judge Thomas J. Tucker Chapter 9
---	---

**EX PARTE ORDER AUTHORIZING THE CITY OF DETROIT
TO FILE A SHORT SUPPLEMENT**

This matter coming before the Court on the *Ex Parte Motion of the City of Detroit for Entry of an Order Authorizing Filing of a Short Supplement*, and the Court finding good cause for the entry of this Order; and the Court being fully advised in the premises;

THE COURT ORDERS THAT the City may file its four-page supplement identifying and attaching pages from the Disclosure Statement¹ and Plan² that it intends to reference at the hearing on its *City of Detroit's Motion to Enforce Plan of Adjustment and Require 30-Year Amortization of the UAAL in the Police and Fire Retirement System Pension Plan*,³ currently set to be held on February 8, 2023.

¹ Doc. No. 4391.

² Doc. No. 8045

³ Doc. No. 13602.

EXHIBIT 2 – NONE

EXHIBIT 3 – NONE

EXHIBIT 4 – CERTIFICATE OF SERVICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:
City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846
Judge Thomas J. Tucker
Chapter 9

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 3, 2023, he filed a copy of the foregoing *Ex Parte Motion of the City of Detroit for Entry of an Order Authorizing Filing of a Short Supplement* with the Clerk of the Court via the Court's ECF electronic filing system which will provide notice of the filing to all registered participants in this matter.

Dated: February 3, 2023

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

Attorneys for the City of Detroit

EXHIBIT 5 – NONE

EXHIBIT 6 - NONE